

institute may apply to the department in the form and manner provided by department rule to develop and offer the educational curriculum under this subchapter.

(b) The department may contract with not more than three qualified general academic teaching institutions, medical and dental units, other agencies of higher education, or public technical institutes to develop and offer the educational curriculum under this subchapter.

Sec. 773.256. ADMINISTRATIVE SUPPORT. The department may provide administrative support to the program.

Sec. 773.257. GRANTS. (a) The commissioner may use money from the permanent fund for emergency medical services and trauma care established under Section 403.106, Government Code, to provide grants, in addition to funding available from other sources, to emergency medical services providers applying for assistance under the program or to provide funding to a general academic teaching institution, medical and dental unit, other agency of higher education, or public technical institute offering the educational curriculum under this subchapter.

(b) The commissioner shall ensure that at least 60 percent of the grants provided under this section are provided to emergency medical services providers that serve a rural area.

(c) The executive commissioner by rule shall establish a procedure for the Governor's EMS and Trauma Advisory Council to establish priorities for issuance of grants under this section.

(d) The department shall distribute grants under this section in accordance with the requirements of Subsection (b) and the grant priorities established under Subsection (c).

SECTION 2. Notwithstanding another provision of this Act, the Department of State Health Services is required to implement this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the Department of State Health Services may, but is not required to, implement this Act using other appropriations available for that purpose.

SECTION 3. This Act takes effect September 1, 2017.

Passed by the House on May 4, 2017: Yeas 128, Nays 18, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 1407 on May 25, 2017: Yeas 130, Nays 14, 2 present, not voting; passed by the Senate, with amendments, on May 23, 2017: Yeas 28, Nays 3.

Approved June 15, 2017.

Effective September 1, 2017.

OPERATION OF AN UNMANNED AIRCRAFT OVER CERTAIN FACILITIES OR SPORTS VENUES; CREATING A CRIMINAL OFFENSE

CHAPTER 1010

H.B. No. 1424

AN ACT

relating to the operation of an unmanned aircraft over certain facilities or sports venues; creating a criminal offense.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. The heading to Section 423.0045, Government Code, is amended to read as follows:

Sec. 423.0045. OFFENSE: OPERATION OF UNMANNED AIRCRAFT OVER CORRECTIONAL FACILITY, DETENTION FACILITY, OR CRITICAL INFRASTRUCTURE FACILITY.

SECTION 2. Section 423.0045(a), Government Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a) and (3) to read as follows:

(1) "*Correctional facility*" means:

(A) *a confinement facility operated by or under contract with any division of the Texas Department of Criminal Justice;*

(B) *a municipal or county jail;*

(C) *a confinement facility operated by or under contract with the Federal Bureau of Prisons; or*

(D) *a secure correctional facility or secure detention facility, as defined by Section 51.02, Family Code.*

(1-a) "*Critical infrastructure facility*" means:

(A) one of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property, are reasonably likely to come to the attention of intruders, and indicate that entry is forbidden:

(i) a petroleum or alumina refinery;

(ii) an electrical power generating facility, substation, switching station, or electrical control center;

(iii) a chemical, polymer, or rubber manufacturing facility;

(iv) a water intake structure, water treatment facility, wastewater treatment plant, or pump station;

(v) a natural gas compressor station;

(vi) a liquid natural gas terminal or storage facility;

(vii) a telecommunications central switching office;

(viii) a port, railroad switching yard, trucking terminal, or other freight transportation facility;

(ix) a gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas;

(x) a transmission facility used by a federally licensed radio or television station;

(xi) a steelmaking facility that uses an electric arc furnace to make steel; or

(xii) a dam that is classified as a high hazard by the Texas Commission on Environmental Quality; or

(B) any portion of an aboveground oil, gas, or chemical pipeline that is enclosed by a fence or other physical barrier that is obviously designed to exclude intruders.

(3) "*Detention facility*" means a facility operated by or under contract with United States Immigration and Customs Enforcement for the purpose of detaining aliens and placing them in removal proceedings.

SECTION 3. Sections 423.0045(b), (c), and (d), Government Code, are amended to read as follows:

(b) A person commits an offense if the person intentionally or knowingly:

(1) operates an unmanned aircraft over a *correctional facility, detention facility, or critical infrastructure facility* and the unmanned aircraft is not higher than 400 feet above ground level;

(2) allows an unmanned aircraft to make contact with a *correctional facility, detention facility, or critical infrastructure facility*, including any person or object on the premises of or within the facility; or

(3) allows an unmanned aircraft to come within a distance of a *correctional facility, detention facility, or critical infrastructure facility* that is close enough to interfere with the operations of or cause a disturbance to the facility.

(c) This section does not apply to:

(1) conduct described by Subsection (b) that *involves a correctional facility, detention facility, or critical infrastructure facility and is committed by:*

(A) ~~[(1)]~~ the federal government, the state, or a governmental entity;

(B) ~~[(2)]~~ a person under contract with or otherwise acting under the direction or on behalf of the federal government, the state, or a governmental entity;

(C) ~~[(3)]~~ a law enforcement agency;

(D) ~~[(4)]~~ a person under contract with or otherwise acting under the direction or on behalf of a law enforcement agency; or

(E) *an operator of an unmanned aircraft that is being used for a commercial purpose, if the operation is conducted in compliance with:*

(i) *each applicable Federal Aviation Administration rule, restriction, or exemption; and*

(ii) *all required Federal Aviation Administration authorizations; or*

(2) *conduct described by Subsection (b) that involves a critical infrastructure facility and is committed by:*

(A) ~~[(5)]~~ an owner or operator of the critical infrastructure facility;

(B) ~~[(6)]~~ a person under contract with or otherwise acting under the direction or on behalf of an owner or operator of the critical infrastructure facility;

(C) ~~[(7)]~~ a person who has the prior written consent of the owner or operator of the critical infrastructure facility; or

(D) ~~[(8)]~~ the owner or occupant of the property on which the critical infrastructure facility is located or a person who has the prior written consent of the owner or occupant of that property; ~~or~~

~~[(9) an operator of an unmanned aircraft that is being used for a commercial purpose, if the operator is authorized by the Federal Aviation Administration to conduct operations over that airspace].~~

(d) An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if the actor has previously been convicted under this section or Section 423.0046.

SECTION 4. Chapter 423, Government Code, is amended by adding Section 423.0046 to read as follows:

Sec. 423.0046. OFFENSE: OPERATION OF UNMANNED AIRCRAFT OVER SPORTS VENUE. (a) *In this section, "sports venue" means an arena, automobile race-track, coliseum, stadium, or other type of area or facility that:*

(1) *has a seating capacity of 30,000 or more people; and*

(2) *is primarily used for one or more professional or amateur sports or athletics events.*

(b) *A person commits an offense if the person intentionally or knowingly operates an unmanned aircraft over a sports venue and the unmanned aircraft is not higher than 400 feet above ground level.*

(c) *This section does not apply to conduct described by Subsection (b) that is committed by:*

(1) *the federal government, the state, or a governmental entity;*

(2) *a person under contract with or otherwise acting under the direction or on behalf of the federal government, the state, or a governmental entity;*

(3) *a law enforcement agency;*

(4) *a person under contract with or otherwise acting under the direction or on behalf of a law enforcement agency;*

(5) *an operator of an unmanned aircraft that is being used for a commercial purpose, if the operation is conducted in compliance with:*

(A) *each applicable Federal Aviation Administration rule, restriction, or exemption; and*

(B) *all required Federal Aviation Administration authorizations;*

(6) *an owner or operator of the sports venue;*

(7) *a person under contract with or otherwise acting under the direction or on behalf of an owner or operator of the sports venue; or*

(8) *a person who has the prior written consent of the owner or operator of the sports venue.*

(d) *An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if the actor has previously been convicted under this section or Section 423.0045.*

SECTION 5. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 6. This Act takes effect September 1, 2017.

Passed by the House on April 28, 2017: Yeas 135, Nays 1, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1424 on May 27, 2017, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on H.B. No. 1424 on May 28, 2017: Yeas 141, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 23, 2017: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on H.B. No. 1424 on May 28, 2017: Yeas 31, Nays 0.

Approved June 15, 2017.

Effective September 1, 2017.

RELEASE OF CERTAIN DEFENDANTS PENDING A MOTION FOR NEW TRIAL OR AN APPEAL FROM A MISDEMEANOR CONVICTION

CHAPTER 1011

H.B. No. 1442

AN ACT

relating to the release of certain defendants pending a motion for new trial or an appeal from a misdemeanor conviction.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Article 44.04, Code of Criminal Procedure, is amended by adding Subsection (i) to read as follows:

(i) Notwithstanding any other law, pending the determination of a defendant's motion for new trial or the defendant's appeal from a misdemeanor conviction, the defendant is entitled to be released after completion of a sentence of confinement imposed for the conviction. The trial court may require the defendant to give a personal bond but may not, either instead of or in addition to the personal bond, require: